

"Approved by the City Council/Redevelopment Agency Board on September 9, 2009"

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
August 12, 2009**

The City Council/Agency Board of the City of Westminster, California convened on August 12, 2009 at 6:30 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:30 P.M.
CLOSED SESSION**

CALL TO ORDER: 6:35 p.m.

ROLL CALL

PRESENT: RICE, TA, FRY, QUACH, DIEP
ABSENT: NONE

CLOSED SESSION ORAL COMMUNICATIONS

Darrell Nolta, a Westminster resident expressed his concerns with the manner in which the City Attorney and his staff have handled his Public Records Act request regarding his accident involving a fire hydrant.

CLOSED SESSION

- 1) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Attorney

RECESS: At 7:05 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting reconvened at 7:15 p.m. in the Council Chambers.

ROLL CALL

PRESENT: RICE, TA, FRY, QUACH, DIEP
ABSENT: NONE

REPORT OUT OF CLOSED SESSION - None

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS - None

SALUTE TO FLAG: Council Member Fry

INVOCATION: Mayor Pro Tem Ta

1. **SPECIAL PRESENTATIONS**

A. Recognition of City of Westminster Retirees

Mayor and City Council presented plaques to Mary Andrusky (Senior Center Supervisor), Jimmy Gist (Police Officer), John Leahy (Police Sergeant) and Scott Storey (Police Officer) in recognition of their retirement.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach, to bring forward Item No. 5.3 on the agenda at this time. The motion carried by a 5-0 vote.

5.3 **Resolution No. 4257 - A Resolution of the Mayor and City Council of the City Of Westminster declaring the last Saturday in April of each year as "Vietnamese Boat People Day" in the City of Westminster. (103-12)**

RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 4257.

Mayor Pro Tem Ta thanked Mayor Rice and the City Council for supporting the proposed Resolution declaring "Vietnamese Boat People Day" and read the Resolution in its entirety.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to adopt Resolution No. 4257.

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE

The Mayor and City Council presented the Resolution to the Boat People Committee.

Council Member Quach made a statement addressing the recent events regarding his automobile accident that occurred on August 2, 2009. He apologized for his actions and feels that this is a personal issue not a political issue. He stated that he does not plan to make any political decisions right now and will focus on rebuilding the trust of his Community.

2. ORAL COMMUNICATIONS

Phil Hodgetts, a Westminster resident and member of the Energy Committee, spoke in regards to the Green Expo that will be held on August 20, 2009 from 4:00 - 6:00 p.m. He also informed the Mayor and City Council that the Energy Committee recently approved a motion to initiate a Request for Proposals for a cost neutral solar panel purchase agreement project which would include City Hall, Senior Center and Rose Center.

Mike Hicks, a Westminster resident, spoke in regards to Council Member Quach's accident and feels that he is an unsafe driver. He requested that he resign from the City Council.

B.J. Savage, a Westminster resident, spoke in regards to Item No. 7.1 where he is requesting money for the memorial for Kenneth Worley. He stated that the originally requested amount of \$7,000 has been reduced to an amount not to exceed \$5,000. He formally invited the Mayor and City Council and the community to attend the Groundbreaking ceremony for the memorial that is scheduled for August 29, 2009.

Vivian Kirkpatrick-Pilger, a Westminster resident, expressed her concerns about the City Council bringing forward Item No. 5.3 before Oral Communications; she feels by doing so it violates the public's right to speak on that item. She also spoke in regards to Item No. 3.10 and 6.1 and feels that they should be continued. She also spoke in regards to the letter that she submitted to Council in regards to water, housing and taxes; she feels that the Council should look at water rates for residents who have large lots. Ms. Kirkpatrick-Pilger also spoke in regards to Southern California Association of Governments (SCAG) and International Council of Shopping Centers (ICSC) and the costs that the City incurs.

Judy Ahrens, a Westminster resident, invited the Mayor and City Council to Constitutional Day on September 3, 2009 at the Bank's Community Room in Seal Beach. She also spoke in regards to the National Health Bill HR 3200 (handouts provide by Ms. Ahrens are available in the City Clerk's office).

Tuan Nguyen, a Westminster resident spoke in regards to Council Member Quach's recent accident and requested information on the recall process. He stated that if Council Member Quach doesn't resign voluntarily, certain residents will try to recall him. Mr. Nguyen said that Council Member Quach is no longer a role model for the Vietnamese community. He also requested documents including transcripts between the Westminster Police Department and Assemblyman Van Tran..

Nguyen Hung, a Westminster resident, spoke in regards to Council Member Quach's recent accident and stated that he supports the City Council, including Council Member Quach.

Darrell Nolta, a Westminster resident, spoke in regards to the agenda format; he stated that he is against it and feels that it is in violation of his rights. He also spoke in regards to Council Member Quach's recent accident.

Anh-Tuan Le, Taxpayer's Oversight Committee of the Measure M Transportation Program, spoke in regards to the Combined Transportation Funding Program.

Dale Bradberry, a Westminster resident, spoke in regards to the Metropolitan Water District and expressed his concerns with the water issues within the City.

Quynh Nguyen, a Westminster resident, spoke in regards to Council Member Quach's recent accident. He stated that he had never heard anything negative about Council Member Quach until this accident.

Aida Koless, a Westminster resident, spoke in regards to Council Member Quach's accident and stated that she doesn't support him. She also spoke in regards to the City's water issue and the unfriendliness in the Vietnamese restaurants and stores in Westminster.

Bart Kasperowicz, Council Member Quach's attorney, spoke in regards to Council Member Quach's recent accident and spoke in support of him.

3. CONSENT CALENDAR

APPROVAL OF MINUTES

- 3.1 (Council/Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of July 8, 2009, and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of July 14, 2009.**

ACTION: Approved.

ROUTINE MATTERS

3.2 Claims against the City (119-02)

ACTION: The Mayor and City Council denied claims against the City from:

- a. Martha Membrila in the amount of \$80.00
- b. Douglas Flynn in the amount of \$250.00
- c. Arthur Yabra in the amount of \$1,128.04
- d. Daniel Weaver in the amount of \$400.00
- e. Danny Thu Nguyen in the amount of \$40,916.00
- f. Tan Ngoc Pham in an unknown amount
- g. Tan Thanh Le in an unknown amount

3.3 Award Contract to Digital Map Products (DMP) for Geographic Information System (GIS) Services and Licensing. (502-04)

ACTION: The Mayor and City Council approved the award of a contract to Digital Map Products (DMP) for Geographic Information System (GIS) Services and Licensing in the amount of \$52,937 for fiscal year 2009/2010, renewable each year for the next 4 years at \$52,937 per year.

3.4 Granite Repair for War Memorial at Freedom Park. (603-02)

ACTION: The Mayor and City Council rejected all bids and authorized staff to rebid the project.

3.5 Addendum to the Agreement of Transfer of 2008 Emergency Management Performance Grant Program (EMPG) Funds. (502-15)

ACTION: The Mayor and City Council:

- 1) Approved a revenue increase to the Fiscal Year 2009-10 budget for the Office of Emergency Services for the Emergency Management Performance Grant Program in the amount of \$1,384; and
- 2) Approved a budget increase to General Police Services - Special Departmental Expenses in the amount of \$1,384 for costs associated with the Emergency Management Performance Program.

3.6 Recommendations for Award of Prime Contractors for the Westminster Police Facility Project for the Trade Categories of Miscellaneous Metals, Coiling Doors, Floor Coverings, Window Treatment, Plumbing and HVAC. (502-07 & 702-08)

ACTION: The Mayor and City Council accepted the recommendations of Griffin Structures, Inc. (Program Manager), its Construction Manager (McCarthy Building Companies, Inc.) and staff to:

- 1) Award contracts to the six (6) listed qualified and responsive low bidders by trade in accordance to Section 3.7 of the Program Management Agreement for the Westminster Police Facility Project in an amount not to exceed \$5,745,621; and
- 2) Approve recommendations to reject certain low bids as either non-responsive or withdrawn in the designated categories and award contracts to the next lowest qualified and responsive bidder.

Pat Jacquez-Nares, Assistant City Clerk informed the Mayor and City Council that there was an error on the agenda in regards to Item 3.6. She stated that the dollar amount should be \$5,745,621 not \$5,195,846.

3.7 Contractual Plan Check and Inspection Services for the New Police Station. (502-13 & 702-08)

ACTION: The Mayor and City Council authorized an increase in the Melad & Associates purchase order in the amount of \$90,000 for inspection services for the new police building and sitework and authorized the City Manager to execute the agreement on behalf of the City.

3.8 Acceptance of State Law Enforcement Services Funds (SLESF) FY 2009-10. (109-06)

ACTION: The Mayor and City Council accepted the State Law Enforcement Subvented Grant Funds in the amount of approximately \$59,824 for the FY 2009-10 for the funding offset of one police sergeant position at the Police Department.

3.9 County of Orange Proposition 1B City Agreement for 2008 - 2009 State Appropriation (Third Allocation to County of Orange) (502-15)

ACTION: The Mayor and City Council executed the four (4) original agreements as required by the County of Orange for participation in Proposition 1B funding by the State for Fiscal Year 2008-2009 (Third Allocation).

ORDINANCES (SECOND READING)/RESOLUTIONS

3.10 Second Reading of the following Ordinances: Ordinance No. 2451 - an Ordinance of the Mayor and City Council of the City of Westminster, adding Chapter 1.14 to Title 1 of the Westminster Municipal Code, relating to administrative citations, and Ordinance No. 2452 - an Ordinance of the Mayor and City Council of the City of Westminster, amending Chapter 1.12 of Title 1 of the Westminster Municipal Code, relating to penalty provisions. (101-09)

ACTION: The Mayor and City Council adopted Ordinance No. 2451 and Ordinance No. 2452 and waived further reading.

WARRANT REGISTER

3.11 (Council/Agency) Warrant Register dated July 15, 2009 through August 4, 2009. (105-09)(09)

ACTION: Approved.

REPORTS

3.12 Treasurer's Report - June, 2009. (105-08)(09)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to approve the Consent Calendar.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to approve the consent calendar with the changes reported out in regards to the dollar amount on Item 3.6.

The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

4. PUBLIC HEARINGS

4.1 Case No. 2009-24 (Zoning Text Amendment) establishing standards to allow the use and application of artificial turf. (201-00)(CN 2009-24)

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM. SINCE THERE WERE NO PERSONS WHO WISHED TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to introduce Ordinance No. 2453 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to amend Title 17 (Land Use Ordinance) of the Westminster Municipal Code establishing standards to permit the use and application of artificial turf."

The motion carried by the following vote:

AYES:	RICE, TA, FRY, QUACH, DIEP
NOES:	NONE
ABSENT:	NONE

4.2 Weed Abatement Cost Report - Fall, 2008 and Spring, 2009. (618-01)

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM. SINCE THERE WERE NO PERSONS WHO WISHED TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to:

- 1) Receive and confirm the cost report;
- 2) Adopt Resolution No. 4256 entitled, "A Resolution of the Mayor and City Council of the City of Westminster confirming report of cost of weed abatement, Fall, 2008 and Spring, 2009 on lots within the City of Westminster", and waive further reading; and
- 3) Authorize the City Clerk to submit the report to the County Assessor and County Tax Collector.

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**5.1 Council/Agency Member Items**

Mayor Pro Tem Ta thanked Amanda Jensen for organizing the fourth annual American Cancer Society Relay for Life event that was held August 8th and 9th. He stated that he and Mayor Rice attended and hopes that the event continues every year.

Council Member Fry stated that he is glad Council Member Quach is safe from his recent accident.

Mayor Rice stated that a letter is being prepared and will be sent to Mr. Tuan Nguyen in regards to his request for recall information. She also stated that she attended the Relay for Life event along with Mayor Pro Tem Ta and Council Member Fry. Mayor Rice commended Amanda Jensen and the Relay Committee on the event.

5.2 AB 1234 Reports - None.

5.4 Consideration of alternative dates and cancellation of Regular Council/Agency Meetings. (103-08)(09)

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to:

- 1) Consider the cancellation of September 23, 2009 regularly scheduled meeting and select the alternative date of September 30, 2009 for the Regular City Council/Agency meeting.
- 2) Consider the cancellation of November 11, 2009 and November 25, 2009 regular scheduled meetings and select the alternative date of November 18, 2009 as the only Regular City Council/Agency meeting in November 2009.

The motion carried by a 5-0 vote.

6. REGULAR BUSINESS

6.1 Approval of Allocation and Commitment of Federal FY 2007 HOME/CHDO Funds in the amount of \$ 450,000 for the acquisition of three condominiums to be utilized as affordable rental property by American Family Housing, Inc. a designated nonprofit Community Housing Development Organization (CHDO). (502-03)

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to:

- 1) Approve the three CHDO HOME Program Participation Agreements with American Family Housing, Inc. to provide HOME/CHDO funds in a not-to-exceed total amount of \$ 450,000 to acquire three condominium units in the Village Green Condominium complex to be utilized as affordable rental property at 60% Area Median Income; and
- 2) Authorize the City Manager to execute all appropriate documents to implement acquisition and recordation.

The motion carried by a 5-0 vote.

- 6.2 Special Event Permit Application from the International Buddhist Cultural Heritage Foundation to hold a Vu Lan Celebration on Sunday, September 6, 2009 between the hours of 8:00 a.m. until 8:00 p.m. (Includes set up and clean up times). The event will take place at the Buddhist Temple located at 14472 Chestnut Street. Applicant estimates the attendance will be 750 people.**

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to approve the Special Event Permit application subject to the conditions attached to the staff report.

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

- 7.1 Request from B.J. Savage for an appropriation in the amount of \$7,000 from the City of Westminster to place a memorial plaque for Kenneth Worley by the flagpoles adjacent to the Senior Center where other Veteran's memorial plaques are located.**

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to approve the request from B.J. Savage for an appropriation in the amount of \$5,000 from the General Fund Reserves to the Public Works-Government Buildings Special Departmental expenses to place a memorial plaque for Kenneth Worley by the flagpoles adjacent to the Senior Center where other Veteran's memorial plaques are located.

The motion carried by a 5-0 vote.

8. LEGISLATIVE ITEMS

- 8.1 Ordinance No. 2455 - City Initiated Ordinance relating to a Comprehensive Waste Management Program and Resolution No. 4258 relating to the implementation of an Over-The-Top Program for Commercial Services Related to Collection and Disposal of Solid Waste.**

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to:

- 1) Introduce Ordinance No. 2455 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster, Repealing Chapters 8.16 and 9.32 of the Westminster Municipal Code and Replacing Chapter 8.16 to Title 8 Relating to a Comprehensive Waste Management Program," and waive further reading; and**

- 2) Adopt Resolution No. 4258 entitled, "A Resolution of the Mayor and City Council of the City of Westminster, Allowing the Implementation of an Over-the-Top Program for Commercial Services Related to Collection and Disposal of Solid Waste."

Council Member Diep stated that he is pleased that the Ordinance is being adopted and hopes to see business clean up the trash on their property.

Mayor Rice thanked Vicki Morgan and Elena Gerli from the City Attorney's office for their hard work on preparing the Ordinance.

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE

9. COMMISSION AND COMMITTEE ITEMS

9.1 Youth Committee Appointments (104-17)

RECOMMENDATION: Based upon applicant interviews conducted by Mayor Pro Tem Ta and Council Member Quach, it is recommended that the Mayor and City Council appoint two (2) regular members and four (4) alternate members (selecting in the order of 1st through 4th alternate) to serve on the City's Youth Committee, for terms to expire on June 30, 2010.

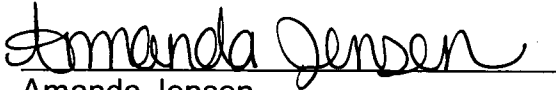
Mayor Pro Tem Ta stated that all of the students that applied were interviewed, but unfortunately there are not enough openings to appoint all of them. He encouraged all of the applicants that were not appointed to attend the events during the year and Mayor Rice invited them to attend the Youth Committee meetings.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to appoint Thanh Ngo and Tiffany Chu as regular members and Brian Keleman (1st alternate), Shirene Shoushtarizadh (2nd alternate), Charlene Tran (3rd alternate) and Stephanie Le (4th alternate) to serve on the City's Youth Committee, for terms to expire on June 30, 2010.

The motion carried by a 5-0 vote.

Mayor Rice announced that she will be out of town August 13 - 17, 2009.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:50 p.m., Mayor/Agency Chair Rice adjourned the meeting.


Amanda Jensen
Assistant City Clerk/Agency Secretary